

PATENT APPLICATION

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9-23-04  
Date

Cynthia Hagen  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Thereas A. Deisher, Darrell C. Conklin, Fenella Raymond, Thomas R. Bukowski, Susan D. Holderman, Paul O. Sheppard  
Serial No. : 10/081,347  
Filed : February 21, 2002  
For : NOVEL FGF HOMOLOGS

Examiner : Saoud, Christine  
Art Unit : 1647  
Docket No. : 96-20C5  
Date : September 23, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

ZymoGenetics, Inc. ("Zymo"), a corporation of the State of Washington, having a place of business at 1201 Eastlake Avenue East, Seattle, WA 98102, declares that it is the assignee of the above-identified application. Documentary evidence of chain of title from the original owner to Zymo has been filed with and recorded by the United States Patent and Trademark Office at Reel 10138, Frame 529. The evidentiary documents referred to in the instant Terminal Disclaimer have been reviewed by the undersigned and it is certified that, to the best of Zymo's knowledge and belief, title is in Zymo.

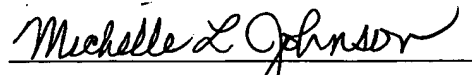
Zymo thereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of a U.S. Patent No. 5,989,866, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period as legal title thereto and U.S. Patent No. 5,989,866, is commonly owned. This agreement is to run with any patent granted on the above-identified application and is to be binding upon the grantee, its successors and assigns.

Zymo does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 5,989,866, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a re-examination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned represents that she is the agent of record and has the authority to execute this document on behalf of Zymo. The undersigned further declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.

Applicant claims small entity status. Please charge the fee under 37 C.F.R. §1.20(d), estimated to be \$55.00, to ZymoGenetics, Inc., Deposit Account No. 26-0290. A duplicate of this paper is enclosed.

Signed at Seattle, Washington, on September 23, 2004.



Michelle L. Johnson

Patent Attorney

Registration No. 36,352